

JUL 09 2004

Michael N. Milby, Clerk of Court
By Deputy Clerk *Dahmed*IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION*Cheryl Gray and
Harold Gray; husband
and wife,
VS.
Wyeth; and Wyeth
Pharmaceuticals et, al.*§
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CIVIL ACTION NO.

B-04-116**ORDER FOR CONFERENCE
AND
DISCLOSURE OF INTERESTED PARTIES**

1. Counsel or Pro Se Party shall appear for an initial pretrial and scheduling conference before:
The Honorable John Wm. Black
United States Magistrate Judge
on August 3, 2004 at 1:30 P.M.
in the Second Floor Courtroom, No. 2
United States Federal Courthouse
600 E. Harrison Street
Brownsville, Texas
2. After the parties meet as required by Fed.R.Civ.P.26(f), counsel shall prepare and file, not less than 10 days before this conference the JOINT REPORT ON MEETING REQUIRED BY RULE 26(f) AND JOINT DISCOVERY/CASE MANAGEMENT PLAN attached to this ORDER.
3. Counsel shall file with the clerk within 15 days from receipt of this ORDER a certificate listing all persons, associations of persons, firms, partnership, corporations, affiliates, parent corporations, or other entities that are financially interested in the outcome of this litigation. If a group can be specified by a general description, individual listing is not necessary. Underline the name of each corporation whose securities are publicly traded. If new parties are added or if additional persons or entities that are financially interested in the outcome of the litigation are identified at any time during the pendency of this litigation, then each counsel shall promptly file an amended certificate with the clerk.
4. The court will enter a scheduling order and may rule on any pending motions at the conference.
5. The Plaintiff(s), or the party removing this suit from state court, **SHALL SERVE THE OPPOSING PARTY OR PARTIES** with copies of:
 - a. this ORDER FOR CONFERENCE,
 - b. the form for the JOINT REPORT ON MEETING REQUIRED BY RULE 26(f) AND JOINT DISCOVERY/CASE MANAGEMENT PLAN,
6. These papers **SHALL BE SERVED CONTEMPORANEOUSLY WITH THE SUMMONS AND COMPLAINT.**
7. The parties will be bound by the provisions contained in this ORDER, the papers mentioned in No. 4 above, and the dates set out in the scheduling order to be entered in this case.

By Order of the Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

VS.

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CIVIL ACTION NO.

**JOINT DISCOVERY/CASE MANAGEMENT PLAN
UNDER RULE 26(f)
FEDERAL RULES OF CIVIL PROCEDURE**

Please restate the instruction before furnishing the information.

1. State where and when the meeting of the parties required by Rule 26(f) was held, and identify the counsel who attended for each party.
2. List the cases related to this one that are pending in any state or federal court, with the case number and court.
3. Specify the allegation of federal jurisdiction.
4. Name the parties who disagree and the reasons.
5. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.
6. List anticipated interventions.
7. Describe class-action issues.
8. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.
9. Describe the proposed agreed discovery plan, including:
 - A. Responses to all the matters raised in Rule 26(f).
 - B. When and to whom the plaintiff anticipates it may send interrogatories.
 - C. When and to whom the defendant anticipates it may send interrogatories.
 - D. Of whom and by when the plaintiff anticipates taking oral depositions.
 - E. Of whom and by when the defendant anticipates taking oral depositions.
 - F. List expert depositions the plaintiff anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

G. List expert depositions the defendant anticipates taking and their anticipated completion date.
See Rule 26(a)(2)(B) (expert report).

10. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.
11. Specify the discovery beyond initial disclosures that has been undertaken to date.
12. State the date the planned discovery can reasonably be completed.
13. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.
14. Describe what each party has done or agreed to do to bring about a prompt resolution.
15. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable.
16. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.
17. State whether a jury demand has been made and if it was made on time.
18. Specify the number of hours it will take to present the evidence in this case.
19. List pending motions that could be ruled on at the initial pretrial and scheduling conference.
20. List other motions pending.
21. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.
22. List the names, bar numbers, addresses, and telephone numbers of all counsel.
23. All counsel or pro se parties are required to keep the Clerk and all other parties advised of changes of address.